

**BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE OF CALIFORNIA**

In the Matter of:)	Case NO. 2001-17C
)	
CHUCK'S AUTO PARTS &)	OAH No. L-20011060585
SALVAGE, Operator:)	
CHARLES L. DAVIS and THERESA E. DAVIS,)	
Property Owners,)	
)	
)	
)	
Respondents.)	
)	
)	

DECISION ON STIPULATION

Upon reading and filing the written stipulation of the above named parties, and of Lynda D. Williams, Staff Counsel, acting on behalf of the California Integrated Waste Management Board, and good cause appearing, the following findings of fact, conclusions of law, and orders are made, pursuant to the said stipulation:

Findings of Fact

1. The Board has filed an Administrative Complaint for civil penalties against respondents, alleging carious violations of respondents against provisions of law contained in Title 14 California Code of Regulations promulgated in accordance with authority contained in the California Public Resources Code.
2. The property owners are owners and operators of Chuck's Auto Parts & Salvage, located at 3979 Hueneme Road, Oxnard, California.
3. Respondents have operated a major waste tire facility at the above-described premises without a permit to do so and in a manner that does not comply with the requirements of Pub. Res. Code section 42845 and Section 17354 or Title 14, California Code of Regulations.
4. Respondents have admitted these violations.
5. Respondents have removed some waste tires from the site.
6. Respondents have had sufficient opportunity to consult with counsel in this matter.

Stipulated Determinations and Order

The Board has agreed to forego hearing for the imposition of the penalties or fines for violation of the Public Resource Code and the related provisions of the California Code of Regulations as alleged in the complaint if respondents meet all of the following terms and conditions and in a timely manner.

Respondents are penalized in the sum of \$20,000.00, such sum to be secured by a lien against the property described as 3979 Hueneme Road, Oxnard, California in favor of the Board.

The Board agrees that if the waste tires are remediated by September 30,2001, or pursuant to a Board remediation plan or a grant by Ventura County, and if the Board has received a penalty payment of \$2,000, the Board will remove the lien within 30 days of the date of satisfaction of each and all of the foregoing requirements.

The parties authorize the Administrative Law Judge to sign and issue the Decision on this stipulation forthwith, and that the Decision may be converted into a Judgment and the lien filed for record as provided herein.

Respondents freely and voluntarily entered into the foregoing stipulation and each has been afforded the opportunity to consult with counsel prior to entering into this stipulation. The parties have further agreed that no

representations or promises of any kind, other than as contained herein, have been made by any party to the other parties to induce the other to stipulate, and that the said stipulations may not be altered, amended, modified, or otherwise changed except by a writing executed by each of the parties hereto.

Each party has agreed to execute and deliver any and all documents and to take any and all actions necessary and appropriate to consummate this stipulation and to carry out its terms and provisions.

The stipulation has been agreed to be binding and to inure to the benefit of the successors, heirs and assigns of the respective parties hereto.

The stipulation and the Decision on stipulation constitute the entire understand of the parties concerning the settlement of this administrative proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered hereto, and the parties expressly acknowledge that each has not relied upon any restrictions, promises, warranties, covenants, undertakings or representations other than those expressly contained herein.

Order

Pursuant to the said stipulation, and good cause appearing,

IT IS SO ORDERED.

September 3, 2001

PAUL M. HOGAN
Administrative Law Judge